

3-15-77

TOWN OF OWLS HEAD
CERTIFICATION OF ORDINANCE

We, the undersigned Selectmen of the Town of Owls Head, hereby certify to the Clerk of the said Town of Owls Head that the following is a true copy of a proposed ordinance that shall be posted and acted upon by the Voters of the said Town in accordance with 30-A M.R.S.A. section 3002:

Chapter 43. Use of Public and Private Sewers and Drains

Sec. 1 PURPOSE

The purpose of this chapter is to promote the health and general welfare of the citizens of Owl's Head by regulating and restricting construction and use of the sewerage systems and the accumulation, transportation, treatment and disposal of sewage in such a manner that the creation of any sewerage system, whether public, private, shall not result in pollution, health hazard or nuisance. Hereafter any person owning any buildings within the Town of Owl's Head which is the source of sewage or who proposes to erect such building or structure, shall conform to the requirements of this chapter.

Sec. 2 DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this Article shall be as follows:

1. **"BOD"** (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C, expressed in milligrams per liter.
2. **"Building"** shall mean a structure built, erected and framed of component structural parts designed for the housing, shelter, enclosure, or support of persons, animals, or property of any kind.
3. **"Building Drain"** shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning eight (8) feet (2.4 meters) outside the inner face of the building wall.
4. **"Building Sewer"** shall mean the extension from the building drain to the public sewer or other place of disposal.
5. **"Combined Sewer"** shall mean a sewer intended to receive both wastewater and storm or surface water.

6. **"Industrial Wastes"** shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
7. **"Natural Outlet"** shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
8. **"Person"** shall mean any individual, firm, company, association, society, corporation, or group.
9. **"pH"** shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
10. **"Properly Shredded Garbage"** shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.
11. **"Public Sewer"** shall mean the sewage works installed in the Service Area and maintained and operated for public use by the Town of Owls Head in accordance with this Chapter.
12. **"Sanitary Sewer"** shall mean a sewer which carries sewage and to which storm, surface, and groundwater are not intentionally admitted.
13. **"Service Area"** shall mean that portion of the Town of Owls Head delineated in the map located at the Town office and certified by the Selectmen for this purpose. An official copy is attached and incorporated herein.
14. **"Sewage"** shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.
15. **"Sewage Treatment Plant"** shall mean any arrangement of devices and structures used for treating sewage, including, but not limited to the City of Rockland wastewater treatment facility receiving sewage from the Service Area.
16. **"Sewage Works"** shall mean all facilities for collecting, pumping, treating and disposing of sewage.
17. **"Sewer"** shall mean a pipe or conduit for carrying sewage.
18. **"Shall"** is mandatory; "may" is permissive.

19. **"Slug"** shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow that causes harm or potential harm to the treatment works or appurtenances. Eff: 4/8/87

20. **"Storm Drain"** (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

21. **"Superintendent"** shall mean the person appointed by the Board of Selectmen to be the Superintendent of the Town of Owls Head Public Wastewater Treatment System or his authorized deputy, agent, or representative.

22. **"Suspended Solids"** shall mean solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids, and which are removable by laboratory filtering.

23. **"Watercourse"** shall mean a channel in which a flow of water occurs, either continuously or intermittently.

24. **"Hearing Board"** shall mean that Board appointed according to provision of Section 13.

Sec. 3 USE OF PUBLIC SEWERS REQUIRED

1. **Depositing Waste in Unsanitary Manner.** It shall be unlawful for any person to place, deposit, or permit to be deposited sewage in any unsanitary manner on public or private property within the Service Area.

2. **Discharge to Natural Outlet.** It shall be unlawful to discharge to any natural outlet within the Service Area, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

3. **Connection to Public Sewer.** The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Service Area and abutting on any street, alley, or right-of-way in which there is now located, or may in the future be located, a public sanitary or combined sewer of the Town of Owls Head, is hereby required, at his expense, to install suitable toilet facilities therein. Such owner shall also connect such facilities directly with the proper public sewer in accordance with the provisions of this Chapter, within ninety (90) days after the date of official notice to do so. However, if the property is served by a Private Sewage Disposal System which is operating in a sanitary manner at all time, the property owner shall not be required to connect to the public sewer as soon as the public sewer becomes available, but shall be permitted to defer connection to the sewer until ordered to

do so by the Local Plumbing Inspector, who will not issue such order until he determines that the private sewage disposal system is malfunctioning.

"Available" means that the building is within two hundred (200) feet of a public sewer.

Sec. 4 PRIVATE SEWAGE DISPOSAL

1. Connection to Private System. Where a public sanitary or combined sewer is not available, or immediate connection to such sewer is not required, under the provisions of Section 2(3), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Section and the State of Maine Plumbing Code, Part II Subsurface Wastewater Disposal Regulations¹. No property owner whose property is once connected to the public sanitary or combined sewer shall disconnect said property and construct a private sewage disposal system.

2. Permit Required. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the local Plumbing Inspector. The application for such permit shall be made on a form furnished by a Licensed Site Evaluator, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the local Plumbing Inspector. A permit and inspection fee shall be paid to the Town of Owl's Head at the time the application is filed.

3. Inspections. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Plumbing Inspector. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Plumbing Inspector when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of notice by the Plumbing Inspector.

4. Operation and Maintenance. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town of Owls Head.

¹The type, capacities, location, and layout of private wastewater disposal system shall comply with the State of Maine's Plumbing Code, Part II - Subsurface Wastewater Disposal Regulations, as amended from time to time, and the Minimum Lot Size Law (Maine Revised Statutes Annotated, Titles 12 Chapter 423-A. No private wastewater disposal system shall be permitted to discharge to any natural outlet.

5. **Plumbing Inspector's Authority.** No statement contained in this Chapter shall be construed to interfere with any additional requirements that may be imposed by the local Plumbing Inspector.

6. **Procedure After Connection to Public Sewer.** When a connection is made to a public sewer from a property formerly served by a private sewage disposal system, the private sewage disposal system shall be cleaned of sludge and filled with clean bankrun gravel or dirt by the property owner within sixty (60) days of the connection to the public sewer and verified by the L.P.I.. Once disconnected, such private disposal system shall not be reconnected.

Sec. 5 BUILDING SEWERS AND CONNECTIONS

1. **Permit Required .** No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system, shall notify the Superintendent at least forty five (45) days prior to the proposed change or connection, and shall comply with Maine Revised Statutes Annotated, Title 38, Chapter 3, Subchapter I, subsection 361.

2. **Classes of Permits.** There shall be two (2) classes of building sewer permits: (a) for residential and (b) for commercial service. In either case, the owner or his agent shall make application on a special form furnished by the Town of Owls Head. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of thirty-five dollars (\$35) for a residential or commercial building sewer permit and the cost of installation permit shall be paid to the Town of Owls Head at the time the application is filed.

3. **Costs Borne by Owner.** All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town of Owls Head from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

4. **Separate System for Every Building.** A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another or an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

5. **Old Sewers.** Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this ordinance.

6. **Construction Requirements.** The size, slope, alignment, materials or construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the Town of Owls Head. In the absence of code provisions or amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and TR-16 shall apply.

7. **Elevation.** Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by means approved by the Superintendent and discharged to the building sewer.

8. **Surface Runoff; Groundwater.** No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, sump pumps, or other sources of surface runoff or groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to a public sanitary sewer.

9. **Connections; Requirements.** The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the Town of Owls Head, or the procedures set forth in appropriate specifications of the A.S.T.M. and the TR-16. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

10. **Supervision of Connection by Superintendent.** The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.

11. **Excavations.** All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town of Owls Head.

Sec. 6 USE OF PUBLIC SEWERS

1. Discharge of Certain Waters to Sanitary Sewer Prohibited. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or sump pumps to any sanitary sewer.

2. Stormwater Sewers. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.

3. Discharge of Flammable, Toxic, Corrosive, or Solid Substances. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

A. Flammable. Explosive. - Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

B. Toxic. - Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.

C. Corrosive. - Any waters or wastes having a pH lower than six (6.0), or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

D. Solid; Viscous. - Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works such as , but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.

4. Other Types of Substances Prohibited. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property, or

constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

A. Temperature.- Any liquid or vapor having a temperature higher than 130°F unless otherwise authorized by permit.

B. Grease. - Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° and 150°F (0° and 65°C).

C. Garbage.- Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.

D. Acid.- Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established for such materials.

E. Taste; Odor.- Any waters or wastes containing phenols, or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

F. Radioactive. - Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulation.

G. pH.- Any waters or wastes (outside the acceptable range from six (6.0) to eight and one half (8.5))

H. Additional Limitations: Unless specifically authorized by a wastewater permit, no discharge shall exceed the following maximum daily limits:

a. Biological Oxygen Demands (BOD)	1,030 mg/l
b. Chemical Oxygen Demands (COD)	2,060 mg/l

- c. Total Suspended Solids (TSS) 1,000 mg/l
- d. Dissolved Chlorides 7,000 mg/l
- e. Dissolved Sulfates 200 mg/l
- f. Chlorine in such quantities as to constitute a slugload
- g. Unusual volume of flow or concentration of wastes as to constitute a slugload.
- h. Excessive discoloration such as , but not limited to, dye waste, vegetable solutions and tanning solutions.
- i. pH 6.0 to 8.5

I. Untreatable. - Waters of wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant efficient cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

5. Prohibited Substances; Superintendent's Options. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in subsection 4 of this Section, and which, in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- A. Reject. - Reject the wastes.
- B. Pretreatment. - Require pretreatment to an acceptable condition for discharge to the public sewers.
- C. Control. - Require control over the quantities and rates of discharge.
- D. Payment. - Require payment to cover the added cost of handling and treating the waste.

If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, ordinances, and laws.

6. Interceptions. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of

a type and capacity approved in advance by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

7. Preliminary Treatment; Maintenance. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in Satisfactory and effective operation by the owner at his expense.

8. Waste Analysis Standards. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater, " published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples.)

Sec. 7 CHARGES FOR COMMERCIAL AND RESIDENTIAL USERS

1. Operation and Maintenance. Rates to be established by the Board of Selectmen on an annual basis. A public hearing will be held at least seven days in advance, posted at the Town Hall and advertised in a newspaper of local circulation.

2. Minimum Charges. Residential and commercial users shall be charged according to a formula established by the Board of Selectmen. The charges will include user fees, readiness to serve fees, debt repayment, and interest charges on delinquent accounts.

Sec. 8 PROTECTION FROM DAMAGE

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the wastewater facilities. Any person(s) violating this provision may be subject to arrest under the charge of criminal mischief as set forth in Maine Revised Statutes Annotated, Title 17-A, Chapter 33, subsection 806.

Sec. 9 POWERS AND AUTHORITY OF INSPECTORS

1. Inspection; Right of Entry. The Superintendent, and other duly authorized employee of the Town of Owls Head bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Chapter. The Superintendent, or his representative, shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

2. Safety Rules; Indemnification by Town of Owls Head. While performing the necessary work on private properties referred to in subsection 1, above, the Superintendent or duly authorized employees of the Town of Owls Head shall observe all safety rules applicable to the premises established by the occupant and the occupant and owner shall be held harmless for injury or death to the Town of Owls Head employees and the Town of Owls Head shall indemnify the occupant and owner against loss or damage to its property by the Town of Owls Head employees and against liability claims and demands for personal injury or property damage asserted against the owner and occupant growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the owner or occupant to maintain safe conditions as required in Section 5.

3. Property Subject to Town of Owls Head Easement. The Superintendent, and other duly authorized employees of the Town of Owls Head bearing proper credentials and identification, shall be permitted to enter all private properties through which the Town of Owls Head holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Sec. 10 ENFORCEMENT AND PENALTIES

1. Notice of Violation. Any person or permit holder violating any provision of this Chapter, except Section 6, shall be provided a written notice stating the nature of the violations, a reasonable time limit for corrective action, and compliance schedule for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice and order for corrective action, cease all violations.

2. **Accountability.** The property owner of record and permit holder will be responsible, jointly and severably, for complying with all orders of corrective action, compliance schedules, and time limits as well as all penalties and all bills charged to occupants of properties. In accordance with Maine Revised Statutes, liens will be attached to properties with delinquent sewer payment and fines.

3. **Damages.** Any person(s) and permit holder(s) violating any of the provisions of this Chapter shall become liable, jointly and severably, to the Town of Owls Head for any expense, loss, or damage occurring to the Town of Owls Head by reason of such violation.

4. **Penalties for Violations.** Any person who shall continue any violation beyond the time provided for in an order pursuant to Subsection 1 shall be fined in the amount not to exceed \$500 for each offense plus such injunction relief as necessary plus the Town's attorney's fees and related costs. All fines shall become the property of the Town of Owls Head.

5. **Charges for Violation Costs Reimbursement.** Whenever the Superintendent finds that there is or has been a violation of the Ordinance and/or an Industrial Wastewater Permit, the user and/or permit holder shall be liable for all costs reasonably incurred by the Town of Owls Head to investigate, abate and stop all violation.

This cost shall include a personnel charge for each hour, or portion of an hour, plus all other expenses reasonably incurred by the Town of Owls Head's employees or agents spent on the investigation and/or abatement of the violation, including the cost of data analysis. Sample taking and laboratory testing at the following rates:

Superintendent's Time	\$ 30.00 per hour
Other Town Employees Time	\$ 10.00 per hour
Private Contractors	Actual Cost
Mileage	\$.30 per mile
Laboratory	Actual Cost
Town of Owls Head Equipment	Actual Cost plus \$20.00 per hour

6. Payment of Penalties and Charges.

A. All penalties, and charges unless otherwise provided for by a permit, shall be paid within 30 days of the invoice date. There shall be interest added at a rate the same as imposed by the Town of Owl's Head for municipal taxes for all penalties or portions of penalties not paid within 30 days of the date due.

B. All penalties are in addition to all user fees and all other charges.

C. All fines and penalties shall benefit and become the property of the Town of Owls Head.

7. Court Enforcement Actions.

A. Notwithstanding any of the foregoing provisions, the Superintendent may institute any appropriate action including injunction or other proceedings to prevent, or abate, violations of the provisions of this Ordinance and permit issued pursuant to this Ordinance.

B. Any person fined because of a violation, owing any bill for sewer use or penalties under this Chapter, or found liable for any expenses, loss, or damage to the Town of Owls Head pursuant to this Chapter or is ordered by a Court to abate or cease violations shall also be liable for and shall pay the Town of Owls Head, the Town of Owls Head's attorney's fees, witness expenses and costs, and court costs reasonably incurred in such enforcement of this Ordinance and in the collection of such bills, fines, penalties, expenses, losses or damage

Sec. 11 VALIDITY

1. **Repeal of Conflicting Ordinances.** All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

2. **Severability.** The invalidity of any section, clause, sentence, or provision of this Chapter shall not affect the validity of any other part of this Chapter which can be given effect without such invalid part or parts.

Sec. 12 ORDINANCE IN FORCE

This Chapter shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

Sec. 13 BOARD OF SEWER APPEALS

1. **Creation and Appointment.** A Board of Sewer Appeals is hereby established. The members of the Board shall be appointed by the Town of Owls Head Selectmen and be the same board as hears zoning appeals.

2. **Jurisdiction.** The Board of Sewer Appeals shall have the following powers and duties to be exercised only upon written appeal by a person aggrieved by a decision of the Superintendent or the Plumbing Inspector insofar as each decision arises from requirements of this Chapter:

A. Review Decisions; Ordinance Interpretation. To determine whether the decisions of the officers are in conformity with the provisions of this Chapter, and to interpret the meaning of this Chapter in cases of uncertainty.

B. Variances. To grant variances from the terms of this Chapter only where necessary to avoid undue hardship, provided there is no substantial departure from the intent of Chapter.

C. Exceptions. To permit an exception to Chapter only when the terms of the exception have been specifically set forth in Chapter.

3. Hearings. The Board of Sewer Appeals shall meet not more often than monthly as needed. All appeals or other matters to come before the Board requiring a notice as prescribed herein shall be filed with the Town of Owls Head Clerk. The Clerk shall cause to be advertised in a newspaper of general circulation in the Town of Owls Head a notice of such appeal identifying the property involved, the nature of the appeal and stating the time and place of a public hearing of such appeal which shall not be earlier than ten (10) days after the date of such publication. Owners of properties within three hundred (300) feet of the property for which the appeal is made shall be notified by registered mail. Failure of any such owner to receive this notice shall not invalidate the proceedings herein prescribed. The Superintendent shall attend all hearings pertaining to the public sewerage system. The Plumbing Inspector shall attend such hearings as he may be involved in. The officer concerned shall present to the Board of Sewer Appeals all plans, photographs or other factual material which is appropriate to an understanding of the appeal. The Board of Sewer Appeals shall not continue hearings on an appeal to a future date except for good cause. Written notice of the decision of the Board shall be sent to the appellant and to the officer concerned, forthwith. Failure of the Board to issue such notice within thirty (30) days of the date of the hearing shall constitute a denial of the appeal.

4. Appeal Procedure.

A. Appealable Decisions. Any person and any municipal department aggrieved by the decision of the Superintendent, or the Plumbing Inspector, which decisions arise from provisions of this Chapter may appeal such decision to the Board of Sewer Appeals.

B. Appeal Deadline. Within thirty (30) days of the date of the decision of the Superintendent or Plumbing Inspector, the appeal shall be entered at the office of the Town of Owls Head Clerk upon forms to be approved by the Board of Appeals. The appellant shall set forth in the form the grounds of his appeal and shall refer to the specific provisions of this Chapter involved. Following the receipt of any appeal, the Town of Owls

Head Clerk shall notify forthwith the officer concerned and the Chairperson of the Board of Sewer Appeals. The appellant shall pay to the Town of Owls Head Clerk a fee of twenty-five dollars (\$25).

C. Appeal to Superior Court. An aggrieved person may appeal from the decision of the Board of Sewer Appeals to the Superior Court as provided by the laws of the State of Maine.

5. **Successive Appeals.** After a decision has been made by the Board of Sewer Appeals, a new appeal of similar import shall not be entertained by the Board until one (1) year shall have elapsed from the date of the decision, except that the Board may entertain a new appeal if it finds that, owing to a mistake of law or misunderstanding of fact, an injustice was done, or if it believes that a change has taken place in some essential aspect of the appeal.

Sec. 14 WASTEWATER ADVISORY COMMITTEE

A Wastewater Advisory Committee is hereby created. It shall consist of three (3) members appointed by the Selectmen for a term of three (3) years, except that of the first three (3) members first appointed, of which one (1) shall be appointed for a term of one (1) year, one (1) for two (2) years, and one (1) for three (3) years. The committee shall elect a chairman and secretary from its membership annually and adopt its own rules of procedure. The Superintendent and Plumbing Inspector shall be non-voting members of the Committee. The Committee shall advise the Town of Owls Head Selectmen in matters of policy and planning of wastewater and sewer issues.

Given under our hands this _____ day of _____, 1999.

James Hawkins, Selectman

James Dow, Selectman

Francis Mullin, Selectman

RESIDENTIAL OR COMMERCIAL BUILDING SEWER APPLICATION

To the (city or town) of _____:

The undersigned, being the _____ of
(Owner, Owner's Agent)

the property located at _____, does hereby
(Number) (Street)

request a permit to install and connect a building sewer to serve the
_____ at said location.
(Residence, Commercial Building, etc.)

1. The following indicated fixtures will be connected to the proposed building sewer:

<u>Number</u>	<u>Fixture</u>	<u>Number</u>	<u>Fixture</u>
_____	Kitchen sinks	_____	Water Closets
_____	Lavatories	_____	Bath tubs
_____	Laundry tubs	_____	Showers
_____	Urinals	_____	Garbage Grinders

Specify other fixture _____

2. The maximum number of persons who will use the above fixtures is _____.
3. The name and address of person or firm who will perform the proposed work is _____
4. Plans and specifications for the proposed building sewer are attached hereunto as Exhibit "A".

In consideration of the granting of this permit, the undersigned agrees:

1. To accept and abide by all provisions of Ordinance No. _____ of the (city or town) of _____, and of all other pertinent ordinances or regulations that may be adopted in the future.
2. To maintain the building sewer at no expense to the (city or town).

3. To notify the (Superintendent) when the building sewer is ready for inspection and connection to the public sewer, but before any portion of the work is covered.

Date: _____

Signed _____
(Applicant)

(Address of Applicant)

\$ _____ inspection fee paid.

(Certification by (city or town) treasurer)

Application approved and permit issued:

Date: _____

Signed _____
(Superintendent)